

REMARKS

Reconsideration of this application is requested. Specifically, reconsideration of this application is requested at least because the Final Office Action mailed January 10, 2003 fails to consider all of the amendments to the previously mailed response filed on October 21, 2002. Applicants respectfully submit that the Office Action does not properly communicate the basis for rejection to independent claims 40 and 46. The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. [MPEP §706.02(j), MPEP §706].

In addition, the Applicants point out that independent claims 40 and 46, as well as claim 35, claim a method and are not a system claim as claimed in claim 1. Therefore, independent claims 35, 40, and 46 need not recite a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art, as explained in the Office Action. Therefore, the Applicants submit that the structural arguments in the Office Action for claim 1, do not apply at least to claims 35, 40, and 46.

Accordingly, the Applicant respectfully requests the Examiner to reconsider the application and remove this action from Final.

CONCLUSION

Applicants respectfully request reconsideration of the application and submit that the rejections have been overcome by the remarks, and that the claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims be allowed.

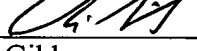
The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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